

Town Planning Ref. No. 4/0193-93

TOWN & COUNTRY PLANNING ACTS, 1971 and 1972

Other Ref. No.

~~THE DISTRICT COUNCIL OF~~

~~THE COUNTY OF HERTFORD~~

To John Jones (Excavation) Ltd  
Site Office  
c/o Amey Construction Ltd  
A41 Project Office  
New Ground, Tring, Herts

EXTRACATION OF CLAY MATERIAL FOR USE IN AND DISPOSAL  
OF SURPLUS MATERIAL ARISING FROM CONSTRUCTION OF A41  
BERKHAMSTED BYPASS  
at ROSSWAY FARM, SHOOTERS WAY, NORTHCHURCH, HERTS.

Brief description and location of proposed development.

In pursuance of their powers under the above-mentioned Acts and the Orders and Regulations for the time being in force thereunder, the Council hereby permit the development proposed by you in your application dated 3 February 1993 and received with sufficient particulars on 3 February 1993 and shown on the plan(s) accompanying such application, subject to the following conditions:-

~~The development to which this permission relates shall be begun within a period of XXXXXX years commencing on the date of this notice~~

See attached Schedule of Conditions.

The reasons for the Council's decision to grant permission for the development subject to the above conditions are:—

~~(1) To comply with the requirements of Section 41 of the Town & Country Planning Act 1971~~

See attached Schedule of Reasons.

Dated..... 13<sup>th</sup> day of May ..... 19.93.

Signed..... *T. J. Betts* .....

Designation **HEAD OF RESTORATION, MINERALS  
AND WASTE PLANNING**

NOTE

(1) If the applicant wishes to have an explanation of the reasons for this decision it will be given on request and a meeting arranged if necessary.

(2) If the applicant is aggrieved by the decision of the local planning authority to refuse permission or approval for the proposed development, or to grant permission or approval subject to conditions, he may appeal to the Secretary of State for the Environment, in accordance with section 36 of the Town and Country Planning Act 1971, within six months of receipt of this notice. Appeals must be made on a form which is obtainable from the Secretary of State for the Environment, Marsham Street, London, S.W.1.) The Secretary of State has power to allow a longer period for the giving of a notice of appeal but he will not normally be prepared to exercise this power unless there are special circumstances which excuse the delay in giving notice of appeal. The Secretary of State is not required to entertain an appeal if it appears to him that permission for the proposed development could not have been granted by the local planning authority, or could not have been so granted otherwise than subject to the conditions imposed by them, having regard to the statutory requirements, to the provisions of the development order, and to any directions given under the order.

(3) If permission to develop land is refused, or granted subject to conditions, whether by the local planning authority or by the Secretary of State and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, he may serve on the Common Council, or on the Council of the county borough, London borough or county district in which the land is situated, as the case may be, a purchase notice requiring that council to purchase his interest in the land in accordance with the provisions of Part IX of the Town and Country Planning Act 1971.

(4) In certain circumstances, a claim may be made against the local planning authority for compensation, where permission is refused or granted subject to conditions by the Secretary of State on appeal or on a reference of the application to him. The circumstances in which such compensation is payable are set out in section 169 of the Town and Country Planning Act 1971.

SCHEDULE OF CONDITIONS NUMBERED 1-35 ATTACHED TO THE PLANNING PERMISSION ISSUED UNDER APPLICATION NUMBER 4/0193-93 FOR THE EXTRACTION OF CLAY MATERIAL FOR USE IN AND DISPOSAL OF SURPLUS MATERIAL ARISING FROM CONSTRUCTION OF A41 BERKHAMSTED BY-PASS AT ROSSWAY FARM, NORTHCHURCH, HERTFORDSHIRE.

1. Unless otherwise agreed in writing by the Mineral Planning Authority, operations hereby permitted shall cease on or before 30 June 1993 and the site shall be completely restored by 30 September 1993 or such longer period as the Mineral Planning Authority may approve in writing.

Reason: To ensure that the restoration of the land to a beneficial afteruse is achieved within a reasonable timescale, and enable the Mineral Planning Authority to review the situation in the light of changing circumstances.

2. The operations authorised by this planning permission shall, except where modified by this Schedule of Conditions, be undertaken in accordance with the provisions of the Written Statement dated 3 February 1993 accompanying the application number 4/0193-93, and the drawing numbered JJ/802609/65.

Reason: To ensure that an orderly programme of operations and restoration is carried out in such a way that the adverse effects on local amenity are kept to a minimum and that the complete restoration of the land to a beneficial use is achieved.

3. No operations authorised in connection with this permission shall take place within 3 metres of any hedgerow nor within 5 metres of any trees within or bordering the site without the written consent of the Mineral Planning Authority, and operations shall only take place when these protective areas have been clearly marked out to the satisfaction of the Mineral Planning Authority.

Reason: To minimise the adverse impact of operations on the Mineral community, and minimise the disturbance to landscape features and natural habitats of the area.

4. Except with the previous written agreement of the Mineral Planning Authority the operations authorised by this permission shall only be carried out during the following periods:

7.00 am - 6.00 pm Mondays to Fridays (excluding Bank Holidays)  
7.00 am - 1.00 pm Saturdays

Reason: To minimise the adverse impact of operations on the local community in terms of noise, traffic generated and general disturbance.

5. Noise from the day to day operations shall not exceed 65 dB(A) (Leq) (1 hour) as measured at the boundaries of the site. In addition, the Corrected Noise Level (CNL) shall not exceed the existing background noise level (i.e. L90) measured over a representative period in the vicinity of the nearest noise-sensitive use by more than 5 dB(A).

Reason: To minimise the adverse impact of noise generated by the operations on the local community.

6. Noise from the operations conducted on site during the period of removal, storage and replacement of topsoil and subsoil and the formation or removal of bunds shall not exceed a maximum value of 70dB(A) Leq (1 hour) (day time) as measured in the vicinity of the nearest noise sensitive building.

Reason: To minimise the adverse impact of noise generated by the operations on the local community.

7. The operations hereby permitted shall, unless otherwise agreed in writing by the Mineral Planning Authority:
- a) not be carried out within 150 metres of a dwelling before 8.30 am;
  - b) be in accordance with guidelines to be submitted to and agreed by the Mineral Planning Authority prior to the commencement of operations.

Reason: To minimise the adverse impact of operations on the local community in terms of visual intrusion, noise, and dust.

8. Measures to suppress dust throughout the operations, including the spraying of clean water, shall be taken to the satisfaction of the Mineral Planning Authority.

Reason: To minimise the adverse impact of operations on the local community in terms of dust.

9. Unless otherwise agreed in writing by the Mineral Planning Authority, no operations shall commence within the site until the applicant has first secured and implemented an archaeological evaluation of the site, and made provision to the satisfaction of the Mineral Planning Authority for such further works as may be deemed necessary in consequence of that evaluation.

Reason: To afford a reasonable opportunity for an examination to be made to determine the existence of any remains of archaeological, geological or other scientific interest within the site, and to decide on any action required for the examination, protection, preservation, or recording of such remains.

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10. No soil stripping operations shall commence until a Scheme of Soil Movements and Machine Movements has been submitted to and approved by the Mineral Planning Authority. The Scheme shall provide for the manner in which topsoils and subsoils are to be stripped, transported, stored and replaced, haul routes, proposals for storage bunds, the source of any proposed subsoil substitute and handling thereof, and the machinery to be used in all cases. The approved Scheme shall be implemented.

Reason: To ensure that soils and restoration material are handled and stored in such a way as to minimise compaction and damage to the soil structure in order to achieve the best possible standard of restoration.

11. The plastic limit of the topsoil and subsoil shall be determined and agreed with the Mineral Planning Authority for all representative soil types to be used for agricultural restoration prior to the commencement of soil stripping operations unless otherwise agreed in writing by the Mineral Planning Authority.

If dumper truck and backacter are to be used, soils shall only be handled when they are drier than the lower plastic limit. If other machinery is to be used soils shall only be handled when they are at least 5% drier than the lower plastic limit.

Reason: To ensure that soils and restoration material are handled and stored in such a way as to minimise compaction and damage to the soil structure in order to achieve the best possible standard of restoration.

12. Subject to any requirements which may result from the archaeological evaluation required by Condition 9, for non-disturbance of areas of the site, and prior to any operations taking place in any area of the site, the topsoil and subsoil of that area shall be fully stripped and stored separately in positions agreed in writing with the Mineral Planning Authority. Any topsoil substitute shall also be stored separately in positions agreed in writing by the Mineral Planning Authority.

Reason: To ensure that soils and restoration material are handled and stored in such a way as to minimise compaction and damage to the soil structure in order to achieve the best possible standard of restoration.

13. Soil bunds which are to be stored for over 6 months shall be constructed with a slightly domed top and shall be seeded with a grass seed mixture to be approved in writing by the Mineral Planning Authority and applied at rates to be approved in writing by the Minerals Planning Authority. Weed control measures shall be submitted for the approval of the Mineral Planning Authority within 1 month of the implementation of this planning permission. On approval, weed control measures shall be carried out.

Reason: To ensure that soils and restoration material are handled and stored in such a way as to minimise compaction and damage to the soil structure in order to achieve the best possible standard of restoration.

14. Unless otherwise agreed in writing by the Mineral Planning Authority, all soil stockpiles shall be constructed with all slopes being formed at a maximum of 45 degrees and a maximum height of 3 metres for topsoil bunds and 5 metres for subsoil bunds and so positioned that the toe of the finished embankment is no closer than 2 metres from the nearest site boundary or 3 metres from any tree or hedge which is to be retained.

Reason: To ensure that soils and restoration material are handled and stored in such a way as to minimise compaction and damage to the soil structure in order to achieve the best possible standard of restoration.

15. No topsoil or subsoil shall be removed from the site unless otherwise agreed in writing by the Mineral Planning Authority.

Reason: To ensure that all soils and restoration materials are retained for use on site to achieve the best possible standards of restoration.

16. Only clean rubble and excavated spoil or similar inert waste, free from chemical contamination, timber, plastic, plaster, plasterboard, paper and empty containers, arising from the construction of the A41 Berkhamsted By-Pass shall be deposited at the site.

Reason: To minimise the risk of environmental pollution, and to minimise the impact of operations on the local community.

17. Before the fill material in any area of the site is within 2 metres of the final levels, markers shall be set up in that area to the satisfaction of the Mineral Planning Authority, to show the final levels of fill material, subsoil and topsoil respectively.

Reason: To ensure that an orderly programme of operations and restoration is carried out, that the adverse effects on local amenity are kept to a minimum, that the complete restoration of the land to a beneficial use is achieved, and to afford the Mineral Planning Authority an opportunity to consider whether the final levels are satisfactory.

18. Unless otherwise agreed in writing by the Mineral Planning Authority, the contouring of the final layer of the deposited material shall, after allowing for settlement and the replacement of overburden, subsoil and topsoil, conform with the levels as shown on drawing numbered JJ/802609/65. No gradient shall be flatter than 1 in 60 nor steeper than 1 in 8. Should any settlement be envisaged, a plan showing pre-settlement levels shall be submitted for the approval of the Mineral Planning Authority prior to the commencement of any operation authorised in connection with this permission.

Reason: To ensure that the final landform following restoration blends with the existing landscape features of the area, and to ensure that a beneficial afteruse is achieved.

- 19 The source(s) of the subsoil and topsoil to be spread over the site on conclusion of the tipping operations shall be agreed in writing with the Mineral Planning Authority prior to completion of tipping. All such subsoil and topsoil shall have been stripped and stored in a manner and state acceptable to the Mineral Planning Authority.

Reason: To ensure that soils and restoration material are handled and stored in such a way as to minimise compaction and damage to the soil structure in order to achieve the best possible standard of restoration.

20. The topsoil and subsoil shall be spread to an even depth of 1.0 metre so as to conform to final pre-settlement levels. Prior to topsoil placement the subsoil shall be ripped in 5 metre wide strips in such a manner as to disturb the whole soil profile to a depth of 600mm. The topsoil shall be spread over the loosened subsoil by means of an hydraulic excavator to a minimum depth of 300mm. All rocks, stones and other solid objects in excess of 75mm on the surface following ripping shall be removed.

Reason: To ensure that soils and restoration material are handled in such a way as to minimise compaction and damage to soil structure in order to achieve the best possible standard of restoration.

21. The Mineral Planning Authority shall unless otherwise agreed in writing, be given a minimum of 3 days' notice in writing before soil replacement works are to take place. On completion of subsoil replacement no further work shall be carried out for a period of 5 working days unless otherwise agreed in writing by the Mineral Planning Authority.

Reason: To ensure that soils and restoration material are handled in such a way as to minimise compaction and damage to the soil structure in order to achieve the best possible standard of restoration.

22. Following soil replacement, a chemical analysis of the topsoils shall be submitted to the Mineral Planning Authority. Any necessary lime and fertiliser shall be added to the soils in accordance with timing and rates as approved in the Aftercare Scheme required by Condition 24.

Reason: To ensure that soils and restoration material are handled in such a way in order to achieve the best possible standard of restoration.

23. No plant, machinery or vehicles shall traverse ripped subsoil or replaced topsoil, except in connection with agricultural operations unless otherwise agreed in writing by the Mineral Planning Authority.

Reason: To ensure that soils and restoration material are handled in such a way as to minimise compaction and damage to the soil structure in order to achieve the best possible standard of restoration.

24. Unless otherwise agreed in writing by the Mineral Planning Authority, an aftercare scheme requiring such steps as may be necessary to bring the land to the required standard for use for agriculture shall be submitted in principle for the approval of the Mineral Planning Authority not later than 3 months of the implementation of this permission. The submitted after-care scheme shall cover a five year period and shall specify the steps to be taken and the periods during which they are to be taken and contain a provision for an annual meeting with officers of the Mineral Planning Authority and any relevant consultee. Drainage will be required unless otherwise agreed in writing by the Mineral Planning Authority. This approved scheme shall be implemented within 6 months of completion of restoration and maintained for a period of 5 years following restoration. (N.B. See accompanying Note.1)

Reason: In accordance with Schedule 5, Part 1 (2) of the Town and Country Planning Act 1990, as amended by the Planning and Compensation Act 1991, to ensure that the best standard of after-care management of the site is carried out following restoration.

25. No solid matter shall be deposited so that it passes or is likely to pass into any watercourse.

Reason: To ensure watercourses are not polluted or otherwise adversely affected.

26. No ditch, brook, watercourse, cut, channel, culvert or pipe shall, without the consent of the Mineral Planning Authority, be blocked off, obstructed or severed so as to prevent or reduce the discharge there from or the flow therein, or otherwise adversely affect local drainage or flood relief.

Reason: To ensure that the drainage of the site and adjoining land is not affected and that existing watercourses are not polluted or otherwise adversely affected.



27. Provision for the drainage of the land shall be made at all times and the drainage of the adjoining land shall not be interrupted with or polluted by the operations hereby permitted. Steps shall be taken to control water draining off the site. Ditches and drains shall be provided in positions first to be approved in writing by the Mineral Planning Authority prior to the commencement of any operations authorised by this planning permission.

Reason: To ensure that the drainage of the site and adjoining land is not affected and that existing watercourses are not polluted or otherwise adversely affected.

28. No liquids or materials likely to cause pollution of underground or surface water supplies shall be deposited on the site or the surrounding land.

Reason: To ensure that the drainage of the site and adjoining land is not affected and that existing watercourses are not polluted or otherwise prejudicially affected.

29. Unless otherwise agreed in writing by the Mineral Planning Authority, prior to the commencement of any operations within 50 metres of a right-of-way, adequate safeguards, which shall include suitable fencing, to protect persons using Public Footpath number 22 (Northchurch) shall be made. The route of any public right-of-way within the permitted area shall not be obstructed or its surface damaged in any way.

Reason: To ensure that existing rights-of-way are fully protected and that rights-of-way users are not endangered.

30. No material shall be brought to the site which directly or indirectly requires the use of the public highway network, except by written agreement with the Mineral Planning Authority, such agreement to specify the routes to be taken transporting such material.

Reason: In the interests of highway safety, and so that there shall be the least possible adverse effects upon the free and safe flow of traffic along the highways in the vicinity of the site.

31. Floodlights shall only be used on site with the prior written agreement of the Mineral Planning Authority on the design, luminescence location and direction of each light.

Reason: To improve the appearance and visual amenity of the area and minimise the adverse effects on the local community.

32. All mobile plant and machinery shall be parked in an inconspicuous position or positions when not in use, and shall not be in exposed areas.

Reason: To improve the appearance and visual amenity of the area and minimise the adverse effects on the local community.

35. Scrap, mobile or fixed plant, fuel tanks, equipment or vehicles shall only be stored on site at precise locations to be approved in writing beforehand by the Local Planning Authority.

Reason: To improve the appearance and visual amenity of the area and minimise the adverse effects on the local community.

NOTE 1 (accompanying Decision Notice reference 4/0193-93)

RECLAMATION TO AGRICULTURE

GUIDANCE ON AFTERCARE SCHEME CONTENT

Introduction

1. The preparation of a successful aftercare scheme requires two levels of information:
  - (a) An outline strategy of commitments for the five year aftercare period. This should be submitted to the mineral planning authority not later than three months prior to the commencement of aftercare.
  - (b) A detailed programme for the forthcoming farming year. The first detailed programme will be submitted with the outline strategy. Subsequent detailed programmes will be submitted annually to the mineral planning authority for approval not later than one month prior to the annual aftercare site meeting.
2. These schemes need to be discussed and agreed by the mineral planning authority, MAFF, and person(s) responsible for the conduct of the aftercare programme. Where expensive equipment is to be purchased for aftercare purposes, early consultation may be particularly advantageous to ensure that proposed purchases are compatible with aftercare requirements. The items to be included and level of detail required for each are discussed in paragraphs 3 to 6 below. The proposals need to take into account any relevant local circumstances and will also conform to the Rules of Good Husbandry and Estate Management.

The Outline Strategy

3. This will broadly outline the steps to be carried out in the aftercare period and their timing within the programme. Where a choice of options is retained this should be made clear together with criteria to be followed in choosing between them. A map should accompany this outline. All areas subject to aftercare management should be clearly marked on this map together with separate demarcation of areas according to differences in proposed management. Commitments to provide any plans, specifications, site records or analyses to the MPA for approval at specified intervals ought also to be covered. Normally such information is required one month in advance of agreed consultations.

4. The outline strategy document should cover as appropriate the aftercare steps detailed below (4.1-4.7) plus any additional aspects that may be required by the mineral planning authority. Person(s) responsible for carrying out these steps ought also to be identified. Aftercare steps to be covered include :-

#### 4.1 Cropping Pattern

A brief description of cropping pattern to be adopted over the full aftercare period, e.g. "the land will be put down to grass. Initially with a short term ley which will be ploughed up and reseeded after two to three years and replaced within a long ley mixture." Where a range of options are to be retained this should also be made clear.

#### 4.2 Cultivation Practices

An outline of the range of cultivations likely to be undertaken. This is necessary since on some sites certain practices can be detrimental to soil structure. Adoption of non-specified techniques will be permissible at a subsequent date subject to mineral planning authority approval where these are unlikely to prove harmful. The need for flexibility is recognised in view of changes over time in the design and availability of agricultural machinery.

#### 4.3 Remedial Treatments

Commitments to undertake stone picking operations and secondary treatments i.e. moling and subsoiling need to be outlined. Since the efficacy and need for such treatments is dependent upon soil conditions all that is required is a general statement of intent accompanied by criteria for determining the need for such treatments. For example "During cultivations any stones lying on the surface which are larger than would pass through a wire screen mesh spacing of xxx mm, together with other objects likely to obstruct future cultivation, will be removed from the site."

#### 4.4 Field Drainage

This should cover any commitments in principle to undertake under-drainage; consultations with the mineral planning authority in advance of installation to agree scheme design; timing of installation work within the aftercare programme plus commitments to carry out any necessary maintenance works or temporary drainage measures.

#### 4.5 Fertilisers, Weed Control etc.

To cover measures of improving soil fertility and control of weeds. The basis for determining need and application rates should be outlined (e.g. soil sampling and analysis).

#### 4.6 Irrigation

This is likely to be a component in a minority of aftercare schemes only. Where it is proposed information should be provided to cover equipment specifications, siting of installations, and criteria for determining irrigation rates. (It should be made clear that all necessary consents for abstraction etc. must be obtained in advance). Where investment in equipment is intended, early discussion will enable applicants to assess whether their plans are compatible with aftercare requirements.

#### 4.7 Shelter Belts, Hedges etc

An outline strategy is needed to cover: location, ground preparation (see previous sub-sections for levels of details required); planting and maintenance commitments. Practitioners are advised that consideration of aftercare schemes for commercial woodland are the responsibility of the Forestry Commission. Woodland which is ancillary to the farming of the land for other agricultural purposes is normally the responsibility of MAFF.

NB: Footnote Fencing and provision of water for livestock are not covered by aftercare conditions since they are not "treatment of the land". Where their provision is essential for satisfactory aftercare management alternative arrangements are needed to cover these aspects. Fencing can be required as a separate planning condition.

#### Detailed Annual Programme

5. This will provide the detailed proposals for the forthcoming year. It will need to be discussed and agreed at the annual site management meeting held with representatives from the minerals planning authority and MAFF. It should -
  - i) Amplify the outline strategy (paragraph 4) for work to be carried out in the forthcoming year.
  - ii) Confirm that steps already specified in detail in the outline strategy will be carried out as originally intended.
  - iii) Include any modifications to original proposals e.g. due to differences between actual and anticipated site conditions.
6. The elements of the scheme requiring consideration should identify the person(s) responsible for the succeeding year's programme unless this is adequately covered in the outline strategy. Detailed prescriptions will then be provided for specific steps including :-

## 6.1 Cropping

Details should be provided for the cropping programme on site. For each field information should include details on :-

The nature and timing of cultivations and stone picking operations including approximate depth of activities.

The content of seeds mixtures; proposed seed rates and timing of sowing operations.

Proposed fertiliser and lime application rates based upon the results of soil nutrient analyses. Details of spraying programmes, both herbicides and fungicides, so far as these are known at the aftercare meeting. Plus commitments to carry out all reasonable spring dressings as the on-going situation demands.

## 6.2 Grassland Management

This should cover the anticipated timing and frequency of cutting; grass removal; proposed grazing regime including type, age and numbers of livestock and the extent of the grazing period.

## 6.3 Secondary Treatments

Specifications should include timing, working depths, tine spacings and the equipment to be used for mowing and subsoiling operations.

## 6.4 Field Drainage

Details on the timing of underdrainage installation work for the forthcoming year plus scheme details including a map showing pipe layout plus details on installation method; drain spacings; drain depths; pipe size and gradients; nature and depth of permeable fill; outfalls; post installation remedial works.

## 6.5 Irrigation

Details of irrigation proposals specific to the forthcoming cropping year.

## 6.6 Shelter Belts, Hedges etc.

This should confirm establishment proposals for the forthcoming year covering ground preparation, planting details (species, type of stock, establishment methods, planting density, timing) and maintenance including, as appropriate, beating up; weed control policy; fertiliser application and cutting/pruning.